IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2770 OF 2005

Dr.(Mrs.) Suhasini S. Dikshit. .. Petitioner
v/s.
Maharashtra Housing & Area
Development Authority & ors. .. Respondents

Mr.P.G.Karande for petitioner.
Ms.P.A.Purandare for res.No.1.
Mr.A.A.Joshi i/by Mr.T.S.Patwardhan for res.No.3.

CORAM : H.L. GOKHALE &
ABHAY S. OKA, JJ.

DATED : 23rd February 2006

P.C. :

1. Heard Mr.Karande in support of the Petition. Mr.Joshi is present for respondent No.3 and Ms.Purandare for BMC, which has been given a notice.

2. Mr.Karande states, on instructions, that the petitioner is satisfied with the area of 350.75 sq. ft. which is being given to the petitioner after reconstruction. She has no dispute with respect to the area which is now being offered in the reconstructed building. In view of these instructions, Mr.Karande does not press this Petition any further. Petition is allowed to be withdrawn.

3. In view of the withdrawal of the Petition, respondent No.3-developer will apply to MHADA for issuance of the NOC within one week from today. We expect the MHADA to give him NOC within three weeks from the receipt of the application from respondent No.3.

4. Ms.Purandare appearing for the BMC states that the estate department has already given the NOC. After these formalities are completed, respondent No.3 will move for the occupation certificate at the earliest. If all other requisitions are satisfied, we do not see any reason why the occupation certificate should not be issued at the earliest.

5. Mr.Joshi appearing for respondent No.3 states that provisional possession of the concerned premises will be given to the petitioner within one week from today.

(H.L. GOKHALE, J.)

(ABHAY S. OKA, J.)